

House Study Bill 516 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED ETHICS AND
CAMPAIGN DISCLOSURE BOARD
BILL)

A BILL FOR

1 An Act relating to public disclosure of the receipt of certain
2 gifts, bequests, and honoraria and making penalties
3 applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 8.7, Code 2016, is amended to read as
2 follows:

3 **8.7 Reporting of gifts and bequests received.**

4 All gifts and bequests received by a department or accepted
5 by the governor on behalf of the state shall be reported
6 in an electronic format to the Iowa ethics and campaign
7 disclosure board and the general assembly's standing committees
8 on government oversight. A report shall be filed only for
9 months in which a gift or bequest is received or accepted. A
10 report shall be filed no later than the tenth day of the month
11 following the month in which a gift or bequest is received or
12 accepted. The ethics and campaign disclosure board shall, by
13 January 31 of each year, submit to the fiscal services division
14 of the legislative services agency a written report listing all
15 gifts and bequests received or accepted during the previous
16 calendar year with a value over one thousand dollars and the
17 purpose for each such gift or bequest. The submission shall
18 also include a listing of all gifts and bequests received by a
19 department from a person if the cumulative value of all gifts
20 and bequests received by the department from the person during
21 the previous calendar year exceeds one thousand dollars, and
22 the ethics and campaign disclosure board shall include, if
23 available, the purpose for each such gift or bequest. However,
24 the reports on gifts or bequests filed by the state board of
25 regents and the Iowa state fair board pursuant to [section 8.44](#)
26 shall be deemed sufficient to comply with the requirements of
27 this section.

28 **Sec. 2. NEW SECTION. 68B.23A Gifts and honoraria reporting.**

29 1. An official or employee of the executive branch shall
30 submit a report pursuant to subsection 2 to the board in an
31 electronic format for any gift or series of gifts or honorarium
32 or series of honoraria received by the official, employee,
33 or immediate family member of the official or employee from
34 a restricted donor that exceeds one thousand dollars in the
35 aggregate in a calendar year.

1 2. A report shall be filed no later than the tenth day of
2 the month following the month in which the official, employee,
3 or immediate family member of the official or employee receives
4 one or more gifts or honoraria that results in the person
5 receiving gifts or honoraria that in the aggregate exceeds more
6 than one thousand dollars in a calendar year from the same
7 restricted donor. During the same calendar year, if additional
8 gifts or honoraria are received from the same restricted donor
9 the report shall be amended to include the additional gifts or
10 honoraria no later than the tenth day of the month following
11 the month in which the additional gifts or honoraria are
12 received.

3. The board shall prescribe the information to be submitted on the report which shall include, at a minimum, the name of the official, employee, or immediate family member who received the gift; the position or title of the official or employee; the name and address of the restricted donor; a description of the gift; the estimated value of the gift; and the exception in section 68B.22, subsection 4, or section 68B.23, subsection 2, that allows the official, employee, or immediate family member to accept, directly or indirectly, the gift.

22 4. Contributions to a candidate or a candidate's committee
23 shall not be included in the report if such contributions are
24 disclosed on the candidate's committee disclosure reports.

25 5. Gifts of food, beverage, and entertainment received at
26 a function meeting the criteria in section 68B.22, subsection
27 4, paragraph "s", shall not be included in the report if
28 the function is registered and a disclosure report is filed
29 pursuant to section 68B.22, subsection 4, paragraph "s".

| 30 | EXPLANATION |
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31 The inclusion of this explanation does not constitute agreement with
32 the explanation's substance by the members of the general assembly.

33 This bill relates to public disclosure of the receipt of
34 certain gifts, bequests, and honoraria.

35 The bill requires reports filed pursuant to Code section

1 8.7, relating to gifts and bequests received by a department or
2 accepted by the governor on behalf of the state, be filed in an
3 electronic format. The bill requires reports to be filed only
4 for months in which a gift or bequest is received or accepted.
5 The bill requires reports to be filed no later than the tenth
6 day of the month following the month in which the gift or
7 bequest is received or accepted.

8 The bill requires an official or employee of the executive
9 branch to submit a report in an electronic format to the
10 ethics and campaign disclosure board for any gift or series
11 of gifts or honorarium or series of honoraria received by the
12 official, employee, or immediate family member of the official
13 or employee from a restricted donor that exceeds \$1,000 in the
14 aggregate in a calendar year. The bill provides for the timing
15 of such reports, amending such reports, and the information
16 to be included in the reports. Gifts received that are not
17 required to be disclosed include those that meet the gift
18 law exceptions relating to contributions to a candidate and
19 relating to food, beverage, and entertainment received at a
20 function qualifying under Code section 68B.22, subsection 4,
21 paragraph "s". A person that knowingly and intentionally
22 violates this provision is guilty of a serious misdemeanor
23 under Code section 68B.34. A serious misdemeanor is punishable
24 by confinement for no more than one year and a fine of at least
25 \$315 but not more than \$1,875. In addition, a person violating
26 the limit on the value of permissible gifts is subject to civil
27 penalties or disciplinary action issued by the ethics and
28 campaign disclosure board or subject to disciplinary action
29 taken by the ethics committees of the senate and house of
30 representatives.